

“Killing Innocents? Massacre, War, and Boundaries of Violence in Early Modern Europe”

H.E. Braun, University of Liverpool, UK

Abstract

This chapter explores a specific aspect of early modern European critique and justification of mass killing. The chosen prism is the mass killing or massacre of innocent victims in war, the group of victims most likely to be identified as non-combatants or collateral damage in contemporary parlance. The chapter draws primarily on sixteenth century European material - visual, theological and legal sources - in order to provide a rough sketch of the relationship between discourses and practices of violence. The picture that emerges points to a complex and deeply contextual dynamic in which a multitude of factors determined the definition and perception of mass-killings of civilians as legitimate or transgressive exercises of violence.

Killing Innocents?

Massacre, War, and Boundaries of Violence in Early Modern Europe

Introduction

Violence is central to Christian theology and experience. Christ died a brutal death on the cross for the sake of the salvation of humanity. Ever since the time of the apostles, the attitude of Christian individuals and communities to violence has been extremely diverse, often ambiguous and troubled.¹ Early modern Christianity generally accepted violence, not least violence in war, as an unavoidable and sometimes necessary or even desirable feature of life in the *civitas terrena*. Much depended on the causes or motivations for war. The suppression of heretics and rebels, the fight against Muslim opponents, and even the subjugation of non-European peoples who refused to accept Christianity were commonly sanctioned. Still, specific aspects of violence in war remained problematic for some early modern observers and inspired a desire to critique and a need for justification.

The mass-killing or massacre of innocent victims in war – non-combatants or collateral damage in today's parlance – was particularly problematic. In fact, the killing of non-combatants – such as women and children, the elderly, also foreigners and travelers, even the male adult population not directly involved in fighting – had the potential to expose, challenge and forcefully resolve Christian ambivalence. Christian theology from Saint Augustine onwards sought to differentiate between lawful and unlawful violence and victims in war, often drawing on classical sources and paradigms (section one, ??). While theologians for the most part accommodated violence if it was exerted by legitimate authority and in defense of the Christian faith widely interpreted, the disruptive potential of violence lingered on especially where this large and diverse group was concerned. Depending on circumstances, Christian perpetrators of mass-killings could face criticism from members of their own group or faction.

This was less likely to be the case if the destruction of civilian lives occurred in the context of religious civil war (such as the French Wars of Religion) or in the struggle against Islam. It was more likely to arise if the victims were members of a community that had been identified as a promising target for mission and conversion. This was the case of the Amerindian communities, for instance, and the pertinent efforts of Catholic theologians compelled to probe and redraw the boundaries of legitimate violence against civilian populations make up a good part of this chapter (section two, ??). Of course, theologians did not have the sole word on what did and what did not constitute lawful violence in war. Jurisprudents and political analysts, especially those identified with the notion of reason of state, put forward alternative perspectives on the killing of civilian populations (section three, ??). Yet even the mass-killing of non-combatants belonging to a heretical or rebellious

community could attract 'internal' critique, especially when the use of violence for political ends exacted an unexpectedly high political price. The Spanish campaign against rebel Dutch provinces during the second half of the sixteenth century discussed below offers a case in point (section four, ??).

Early modern critics and defenders of military violence against non-combatants drew on a wide range of normative sources from law, theology or classical and contemporary history. One point of reference was a biblical precedent for the unlawful use of violence against innocent people on the part of legitimate authority: the Bethlehemite 'Slaughter of the Holy Innocents' (Matthew 2, 16-18). The infants murdered at the order of King Herod in the hope of killing Christ became the first Christian martyrs and a motif in subsequent religious and political polemic. Christian art — from Romanesque Sculpture to Raphael, from Peter Paul Rubens to Nicolas Poussin — repeatedly returned to the narrative and gave visual currency to the horror and the potential recrimination associated with this act of killing children. While these works were produced in very varied contexts, they invariably aimed to instruct and move Christian viewers and thus consolidate their sense of themselves as members of a community characterized by compliance with a specific set of values, including values concerning the uses of violence. Together these images constituted a supra-confessional trope for the transgression of over-arching boundaries of violence on the part of Christian authority.²

One example is the painting Matteo di Giovanni (c.1435-1495) produced for the Sienese church of Sant'Agostino in 1482.³ It is dominated by a tumult of shocking acts of brutality. Swords are thrust into tiny mouths, iron-shod feet trample on little bodies, the limbs of victims and perpetrators entangle in deadly, suffocating confusion. The faces of mothers and children express terror or carry the pallor of death. Di Giovanni captured something of the horror of massacre.

Image: Matteo di Giovanni, *Massacre of the Innocents*, 1482, Sant'Agostino, Siena (now Ospedale Santa Maria della Scala, Siena).

The perpetrator — King Herod, depicted in the regal splendor of an oriental, presumably Islamic ruler — indulges in the carnage happening before his eyes. His counsellors show varied expressions of detachment, regret and dejection. The painting is more than a mere vehicle for invigorating empathy and solidarity with the first Christian martyrs among the early modern audience. Di Giovanni translated the wretched event of massacre into revulsion directed at the perpetrator and confirmed Herod as the Christian archetype for authority defiled by transgression of established boundaries of violence. The viewer is implicitly encouraged to share and assert a specific set of values and related emotions, and could feel invited to reflect on what constituted lawful violence.⁴

The work of Di Giovanni and other artists are part of a wider and highly differentiated European discourse on the rights and wrongs of killing defenseless civilians. Within this discourse, the motif of the Slaughter of the Innocents could serve as a foil against which members of the Christian community judged acts of violence perpetrated by governmental or semi-governmental agents. Di Giovanni's painting — and perhaps even more so the artwork by Frans Hogenberg, Hendrick Goltzius and Pieter Brueghel the Younger mentioned below — captured the fact that massacre could bring the Christian perpetrator perilously close to Herodian monstrosity and mark him as guilty of excessive, repulsive, 'un-Christian' violence. In other words, massacre could mark a political as well as moral and spiritual threshold.

Killing Innocents in Christian *ius in bello*

Much of early modern Christian European legal and theological discussion of mass killings and violence against civilians is found in literatures and passages dealing with "just conduct in war" (*ius in bello*), itself usually part of a wider discussion of the right of legitimate authority to go to war (*ius ad bellum*).⁵ The just war tradition is commonly traced back to Plato, Aristotle, Cicero, and especially Saint Augustine of Hippo (354 — 430 AD). Plato stated that the aim of war was to establish peace; Aristotle formulated the idea that war requires a just cause; and Cicero specified that war could be conducted only by proper authority. Augustine added two subjective elements to these seemingly objective conditions: that the exercise of violence in just war had to be proportionate and that violence had to be exercised with due discrimination. Both distinctions shaped subsequent Christian approaches to mass killing.

Concerning acceptable use of violence, Augustine boiled the issue down to the demand that just war had to be fought with the right intention. While there is considerable debate concerning Augustine's position, the existing consensus is perhaps best illustrated by an often-cited passage from *Contra Faustum*:

What is the evil in war? Is it the death of some who will soon die in any case, [so] that others may live in peaceful subjection? This is mere cowardly dislike, not any religious feeling. The real evils in war are love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance, the lust of power, and such like; and it is generally to punish these things, when force is required to inflict the punishment, that, in obedience to God or some lawful authority, good men undertake wars (...).⁶

Augustine suggested that the unintended killing of an innocent person was not problematic as such. It became unacceptable only if it was the result of sinful motivation such as "love of

violence". A virtuous commander who accepted the death of innocent people for the sake of restoring justice and punishing wrongdoers or a soldier obeying orders were not to blame. The political, social, moral and legal status as well as the age or gender of those who became 'collateral damage' in just war was effectively irrelevant.

Most accounts of the Christian just war tradition assume that Saint Augustine inspired a basic historical continuity regarding the death of innocents in warfare, from Saint Thomas Aquinas in the thirteenth century to Francisco Vitoria, Alberico Gentili and Hugo Grotius in the sixteenth and early seventeenth century. In this view, the basic consensus from late antiquity to early modernity was that actions that the foreseeable but unintended killing of innocents represented just conduct in war. The unqualified prohibition of intentionally killing innocents is said to have marked the Christian boundary between legitimate and illegitimate violence.

However, as Daniel H. Weiss has recently shown, Saint Thomas Aquinas (1225—1274 AD) does not fit so easily into the alleged Christian European consensus concerning the foreseeable but unintended killing of innocents in war.⁷ Aquinas synthesized a host of previously disparate ideas into a more systematic doctrine of just war and, perhaps most significantly, incorporated the idea of the proportionality of means and ends. This sense of proportionality extended to the treatment of civilians in war. A crucial passage in his *Summa Theologiae* (II—II, Q.64, A.6) reads:

A man can be looked at in two ways, in isolation and in some context. Now, considering every man in isolation, it is not legitimate to kill any man. Every man, even the sinner, has a nature which God made, and which as such we are bound to love, whereas we violate it by killing him. It nevertheless remains true (...) that sin corrodes the common good and so justifies the killing of the sinner, whereas the life of just men preserves and promotes the common good, since they constitute the bulk of the people. There is, therefore, simply no justification for taking the life of an innocent person.

Here, Aquinas posited that in order to be legitimate, the killing of a person required not only virtuous intention on the part of the agent, but also a specific status of the person killed. The person to be killed had to be a sinner and an aggressor. While Aquinas never expressly prohibited the unintended death of innocents in war, he also never indicated that just war legitimized the killing of innocents.⁸ The overarching theological principles that grounded his thinking suggest that his views differed from those of Saint Augustine. At the end of his discussion of the famous parable of the wheat and the tare (Matthew, 13:24—30), for instance, Aquinas concluded that:

(...) the Lord teaches that the wicked are to be allowed to live and to have their punishment deferred until the Last Judgement rather than that the good should be killed at the same time. Where, however, the good are in no danger but, on the contrary, stand to gain security, the wicked may legitimately be killed.⁹

If the choice was between killing innocent people in the pursuit of justice and sparing the wicked to avoid collateral victims, Christian authorities should always choose the latter over the former. The Dominican theologian was much less inclined to sanction the foreseen but unintended killing of innocents than is often suggested. In short, the death of innocents in war continued to trouble medieval scholastic thinkers.

Victims of War in Francisco Vitoria

This continued anxiety concerning the killing of innocents in war is evident, for instance, in the writings of the Dominican friar and professor of theology at Salamanca, Francisco Vitoria (1483 — 1546). Vitoria was no pacifist. He accepted and in fact defended the clearly defined and restricted use of violence as a possible last resort in specific circumstances. Yet a deep unease and concomitant desire to restrict the use of violence pervade his work. Where Spanish expansion in the Americas is concerned, abhorrence of the injustice and brutality of conquest bubbles and boils underneath the argument.

Vitoria expressed immense personal frustration with the discrepancy between the violence of conquest and Christian ideals of charity and justice in war. In a letter to his superior Miguel de Arcos OP dated 8 November 1534, he felt compelled to state “that after a lifetime of studies and long experience, no business shocks me or embarrasses me more than the corrupt profits and affairs of the Indies.”¹⁰ He went so far as to say that he “no longer understands the justice of war”. Eyewitnesses, he told his superior, had reliably informed him that the Inca ruler Atahualpa and his people had not injured the Spanish in the slightest nor given them the least ground for war. He could only conclude, therefore, that even if the emperor possessed just titles to conquer the Amerindians, “the Indians do not and cannot know this [and] are most certainly innocents in this war”.¹¹ The emphasis on the ‘innocence’ of the Amerindian peoples summarily identified them as victims of unlawful violence and deliberately conjured up the image of biblical, Herodian transgression.¹²

A few years later, Vitoria organised his views in two famous lectures on just war and just conduct of war in the new world — *On the American Indians (De Indis)* and *On the Law of War (De iure belli)* [delivered in 1539, first published in 1557] — which quickly became essential points of reference for subsequent thinking about international relations. Right at the beginning of *On the American Indians*, Vitoria told his students — the future governors, judges and officers running the Spanish empire — that his lectures were inspired by what “we

hear (...) of bloody massacres and of innocent individuals pillaged for their possessions and dominions". While somewhat disingenuously claiming that he did not wish "to stir up fresh contentions", he made clear that news received from the Americas proved that "there are grounds for doubting the justice of what has been done".

On the American Indians firmly established that indigenous peoples possessed 'true dominion' and the capability of owning property and ruling themselves under natural law. Vitoria demolished several 'unjust titles' of conquest — such as the idea of natural slavery or the refusal to accept the Christian faith — and established eight legitimate titles for waging war against the Amerindians. While he wavered and modified some of his positions in the course of the lecture,¹³ Vitoria maintained throughout that indigenous political autonomy had to be respected and the use of violence be a very last resort.

In one of the most substantial and influential parts of the lecture, the discussion of the right of the Spanish to travel, trade and dwell freely among foreign peoples under the law of nations (*On the American Indians*, Question 3, Article 1), Vitoria stressed the obligation to avoid doing harm and prioritise negotiation, reasoning and persuasion over violence. He acknowledged that the Spanish might lawfully go to war if indigenous peoples should "deny [them] what is theirs by the law of nations".¹⁴ Yet he also emphasized the need to show special restraint if the adversary sincerely albeit erroneously believed to wage a just war. Even if it were the case that the Spanish had done their best "to reassure [the Amerindians] and convince them of their peaceful intentions (...), the barbarians may still be understandably fearful of men whose customs seem so strange, and who they can see are armed and much stronger than themselves".¹⁵ If this fear moved the Amerindians to attack the Spanish, the latter could respond "within the bounds of blameless self-defence". Vitoria stressed the Spanish obligation "to do (...) as little harm to the barbarians as is possible since this is merely a defensive war" and that they had no title to looting or occupation. The presumption of innocence and defensive action — though frequently reinforced by disparaging characterisation of Amerindians as "cowardly, foolish, and ignorant", "barbarians", or a "weak and childish foe" — was firmly in favour of indigenous Amerindian communities.

In his second lecture, *On the Law of War*, Vitoria examined just conduct in war in more detail.¹⁶ He took the traditional view and looked at the harm inflicted on the lives and property of combatants and non-combatants from the point of view of the 'just belligerent' entitled to punish an offender. His assessment of acceptable levels of punitive violence was rooted in the notion — fundamental to scholastic natural law theory — that the sovereign had received authority from the commonwealth or the people as a corporate body politic. The citizens of a state waging an unjust war were culpable of aggression and legitimate targets for punishment, albeit to greatly varying degrees. Vitoria articulated the overwhelming scholastic consensus that all members of an aggressor state could be subject to confiscation

of property in order to satisfy a penalty imposed by a just victor. Those subjects more directly responsible for the waging of unjust war, however, could suffer death as due punishment.

Accordingly, Vitoria offered limited protection to enemy soldiers, since they were the ones who were to a large degree responsible for the injury inflicted on the just belligerent.¹⁷ The prince waging a just war might even kill enemy combatants who had surrendered, especially if they had failed or refused to secure terms of surrender. Their execution could be a legitimate act of punishment and serve as deterrence and a means to ensure peace. Yet Vitoria also insisted that punitive mass killing had to be proportionate to the damage suffered at the hands of the aggressor and serve the common good by preventing rather than provoking future conflicts. It might therefore be “lawful and expedient to kill all the enemy combatants” in a situation where “security cannot be obtained without the wholesale destruction of the enemy”.

This legitimate need to kill enemy combatants, however, usually arose only in the “war against the infidel”.¹⁸ Vitoria wanted to see the biblical precept of Deuteronomy 20: 10-14 restricted to Muslim combatants.¹⁹ In wars against “fellow Christians”, on the other hand, the wholesale slaughter of prisoners of war was counterproductive and simply “not permissible”.²⁰ Vitoria’s reasoning was that Christian combatants on both sides acted in good faith and that “soldiers on each side who come to fight in battle or to defend a city are all equally innocent”. Their execution represented a punishment that did not “fit the crime” and was likely to provoke further wars between princes.

The Dominican theologian underscored this point when discussing the case of popular rebellion as a kind of irregular warfare where the boundary between combatants and non-combatants was notoriously fluid. His point of reference was the Massacre of Thessalonica (390 AD), which allegedly earned the emperor Theodosius I excommunication at the hands of St Ambrose of Milan.²¹ The emperor had the entire population of Thessalonica executed as a punishment for rebellion — regardless of age, gender and the fact that they were Christians and Roman citizens. Theodosius’s action was considered a vindictive act grossly disproportionate to the injury suffered and drew such severe criticism from contemporaries that the emperor was compelled to submit to penitence. Anthonis van Dyck’s painting, now in the National Gallery in London, is one example of the iconographic legacy of this act of transgression challenged and censored by ecclesiastical authority.

Anthonis van Dyck, *Saint Ambrose and Emperor Theodosius* (St. Ambrose barring Theodosius from Milan Cathedral), 1620, The National Gallery, London, UK

Vitoria referred to Thessalonica as evidence that “when dealing with our fellow members of the commonwealth”, even where “the crime is the responsibility of the entire city or province, it is not lawful to kill all the delinquents”. He purposely echoed Aquinas when he asserted

that “it is never lawful in itself intentionally to kill innocent persons” either during or after a battle or siege.²²

Vitoria, then, aimed to afford the lives of those “innocent of offense” — those who had little or no agency in a theatre of war, including women, children and the elderly — a higher degree of protection.²³ While Christian adult males in a surrendered city did not necessarily enjoy the same protection, they must not be put to death indiscriminately. Vitoria also made clear that Amerindian populations were to be treated in the same way as Christians and not like the Muslim ‘infidel’. The lives — though not necessarily the property — of both Christian and Amerindian adversaries in a putative just war were protected the overarching rule that punishment had to be proportionate to the crime of the sovereign aggressor as well as the level of involvement on the part of the citizen, and must serve to prevent rather than provoke future wars.

The Dominican went on to insist that “[e]ven in wars against the Turks (...) we may not kill children, who are obviously innocent, nor women, who are presumed innocent at least as far as the war is concerned”. The overall protection of civilian lives could extend to adult male Muslim non-combatants.²⁴ While adult male “Saracens” presented a future danger, Vitoria posited, it was “quite unacceptable that a person should be killed for a sin he has yet to commit”. At this point, Vitoria again struggled with the provisions of the Book of Deuteronomy. What is written there, he conceded, appeared to have been intended as a “general rule”: “the Lord seems to have meant (...) that (...) all the adult men in an enemy city are to be thought of as enemies, since the innocent cannot be distinguished from the guilty, and therefore they may all be killed.”²⁵ Though he wavered, Vitoria still preferred to protect Muslim male adult civilians from what he considered extreme, inherently un-Christian punitive violence.

Overall, the discussion in *On the Law of War* exemplifies the morally and politically complex and persistently problematic nature of killing innocents. While allowing for the probable but still accidental and unintentional killing of ‘innocents’ in just war, Vitoria sought to retain something of the spirit of Aquinas’ interpretation of Matthew 13: 24-30 (the “Parable of the Tares”). He sought to insist on proportionality of punitive action throughout, often including examples that would align legal-theological argument with the reality of warfare. For instance, he did not permit “indiscriminate bombardment” that would kill large numbers of innocents in order to take a town or fortress of little strategic importance or in order to defeat a small number of enemy combatants.

Subsequent scholastic debate continued along similar lines.²⁶ One example is the Jesuit theologian Francisco Suárez (1548—1617), who agreed with Vitoria’s general premise concerning human agency in war, proportionality of punishment, and the relative culpability of those ‘innocent of offense’. He did, however, notice the lack of precision in Vitoria’s treatment of the question of whether it was lawful to kill the civilian adult male population

after the surrender of a city. Without distinguishing between Christian and infidel, the Jesuit affirmed that natural law included among the innocents “those who are able to bear arms, if it is evident that, in other respects, they have not shared in the crime nor in the unjust war.”²⁷ Only individuals proven to have taken an active part in the fighting should be regarded as combatants and be subject to the penalty of death. More pressingly than Vitoria, Suárez appeared to assert the presumption of innocence in the absence of clear evidence of individual culpability.

Though vulnerable to expansive differentiation, then, the category of relative culpability and proportionality of punishment continued to guide scholastic thinking on the matter. The boundaries between proportionate and disproportionate, lawful and unlawful violence remained fluid and under debate. This left the intellectual and moral space for identifying and condemning acts of violence against civilian populations as a Slaughter of the Innocents, unjust, and tantamount to Herodian transgression.

Mass Killing and the Ethics of Violence in Reason of State and Alberico Gentili

Among the authors opposed to the scholastic approach and often labelled ‘realist’ observers of politics, war and violence, Niccoló Machiavelli (1469-1527) is known as the one least inclined to reflect on human suffering and the morality of killing innocents.²⁸ Harking back to classical Greek and Roman history, Machiavelli intended to set a counterpoint to traditional scholastic and humanist analysis and evaluation of political power. Whether in *The Prince* (c.1513) or in his *Discourses on the First Decade of Livy* (c.1519), he simply wanted to set out the best way to gain and retain power and wage war. Like his ancient counterpart Thucydides, the Florentine posited that the necessity of gaining, retaining and expanding power dictates the appropriate use of violence.

His discussion of the “savage cruelty and inhumanity” of Agathocles, the tyrant of Syracuse (317—289 BC) exemplifies his perspective. While “one cannot call it virtue to kill one’s citizens, betray one’s friends, to be without faith, without mercy, without religion”, Machiavelli stated, “these modes can enable one to acquire empire, but no glory.”²⁹ While the absence of glory was regrettable, it could be a price worth paying under certain circumstances. The point Machiavelli wanted to make was that Agathocles knew how to use cruelty well: that he struck quickly, unexpectedly, decisively, and not too often.

Unsurprisingly, Machiavelli did not shrink back from the punitive mass-killing of rebellious subject populations. Necessity demanded that the “middle way” be avoided and that “subject peoples should either be generously treated or wiped out.”³⁰ The killing of innocent civilians — an act of genocide, if we consider the extinction of an ancient or

Renaissance civic community with a distinct political and cultural identity as genocide — were but another tool in the armoury of princely or republican power.

The absence of compassion or anything resembling Christian-scholastic abhorrence of violence especially against innocents is striking, but by no means isolated. The maverick ex-Jesuit Giovanni Botero (1544-1617 AD), one of the most influential political authors of the later sixteenth and early seventeenth century, did not stray too far from Machiavelli when it came to mass-killing civilians. In the fifth book of his *Ragion di stato* (first published in 1589), Botero discussed the treatment of “subjects acquired by conquest”.³¹ The discussion focuses on “infidels and heretics”, Muslim as well as Protestant and Calvinist populations recently subjected to Catholic authority. Unlike *The Prince*, Botero’s argument reflected the unfolding reality of early modern European religious war.

Botero advised the ruler to weaken heretical and infidel subjects and facilitate conversion through disruption and suppression of tradition, identity, established social hierarchy, laws and use of language as well as forced dislocation of communities. If, however, these measures were not to have the desired effect of pacification and conversion, the ruler should emulate the “resolve” of Lucius Pinarius, governor of Enna in Sicily in 214 BC.³² Confronted with the possibility of a rebellion he would have found difficult to suppress, Pinarius executed the entire population of the city. Botero approvingly referred to him as “a stern man [who], in order not to be deceived, trusted himself rather than the loyalty of the people.” While this discussion concerned the submission of infidels and heretics, Botero insinuated that the rule could apply to “all those who [stubbornly] will not submit” to legitimate rule.

Botero’s ruthlessness was rooted in his experience of confessional conflict and was bolstered by his knowledge of Roman history. The Italian Protestant Alberico Gentili (1552-1608 AD), too, drew on ancient, especially Roman history as well as his (personal) experience of European confessional politics. Regius Professor of Civil Law at Oxford University and one of the three “Fathers of International Law” (Vitoria and Grotius complete the triumvirate), he drew even more heavily on Roman law and the work of civilians and legal humanists like Raphaël Fulgosius (1367-1427) and Andrea Alciato (1492-1550). His most famous work, *De iure belli libri tres* (*On the Law of War in Three Books*; first published as a single text in 1598), Gentili combined a keen eye for the history and contemporary practice of warfare with a sense for political complexity and a desire to establish a normative yet pragmatic framework for the conduct of war.³³

Gentili departed from the scholastic notion of just war and rejected the idea of war as a process in which only one belligerent had the right to enforce a rightful claim or redeem an injury and enact punishment. Instead, he fully endorsed the Roman concept of ‘public war’ between sovereign belligerents with equal rights.³⁴ He defined ‘public’ or ‘regular war’ as an action regulated by international law (*ius gentium*), itself understood as a set of positive laws

agreed by most or all sovereign entities and based in historical experience, military practice and natural reason and reflected in legal tradition (most notably the *ius civile*).³⁵ In the absence of a common arbiter, war itself became the final judge of whether a cause was just. Victory established the new legal situation between belligerents. Most famously, perhaps, Gentili aggressively expanded the boundaries of pre-emptive strike far beyond what scholastic authors had deemed acceptable and sketched the notion of ‘preventive strike’ or ‘preventive war’.³⁶

The discussion of the treatment of hostages, prisoners of war and civilian populations takes up the second book of *On the Law of War*. Gentili’s treatment of these groups was aligned with his overarching notion of ‘public war’. Like Vitoria before him, Gentili advocated necessity tempered by proportionality as a rule for the conduct of war. Unlike Vitoria and the scholastics, though, Gentili anchored the protection of defenseless or innocent people in the rules of war themselves. He extracted these rules or “laws of war” from a plethora of examples from ancient and contemporary military practice buffeted by references to historians (including Machiavelli), the *ius civile* and the civilians as well as Scripture and the Church Fathers. Just conduct in war became a matter of reciprocity and of binding contractual agreements — such as a truce or a negotiated surrender — between enemies. The result was a code of lawful conduct in war that was highly differentiated and seemingly rooted in ‘best practice’ of centuries of warfare.

In the first instance, Gentili distinguished between combatants “taken captive” — that is, combatants who fought to the point where further resistance had become completely futile — and combatants who had negotiated a surrender.³⁷ He argued against the killing of the former on the grounds that capturing soldiers weakened the enemy as much as killing them. Accordingly, he condemned historical massacres of prisoners-of-war, including the killing of the soldiers and sailors of the Spanish Armada wrecked on the Irish shore, as “act[s] contrary to the laws of war”.³⁸ He was particularly scathing about the idea that enemy soldiers who obstinately resisted before surrender should be punished by death for their loyalty to their sovereign.³⁹ Those who surrendered were protected by “the rights of humanity and the laws of war”.⁴⁰

The exception to this general rule was the case of captives who had surrendered but were guilty of “actions contrary to the nature of warfare”, such as the obstinate and mutually costly defense of unfortified and strategically insignificant places.⁴¹ The principle underlying this was that of “excess” in warfare. His observation was that such excess was often caused by inexperience or ignorance of known etiquette and practices of warfare and hence of the laws of war. It was this notion of “excess” and ignorant or willful violation of commonly accepted laws of war that was played out during the Flanders campaign of the Duke of Alba discussed below.

When Gentili came to discuss defenseless civilian populations, he firmly asserted that non-combatants — women, children, the feeble and elderly as well as defenseless adult males — must not be killed intentionally. He added two exceptions to this rule. The first concerned women who chose to bear and exercise arms. They were subject to the same rules as male combatants.⁴² The second reflected his overarching principle of reciprocity: women and children in a conquered city may be killed if the enemy had done likewise before.⁴³ The second exception was also a concession to “the command of God”⁴⁴, yet one that he was quick to qualify as “extraordinary”. Gentili concluded that even if “the enemy wrong[ed] our women and children” “we ought always to incline rather towards mercy, which in this case will lead us to spare women and children, according to the precepts of the law of God, of nature and of the state.”⁴⁵

Overall, the discussion in book two of *On the Laws of War* aimed at reducing bloodshed that served no strategic or tactical purpose. Gentili outlawed the merely vengeful punitive mass killing of enemy combatants who had surrendered. Notably, the motive of punishing soldiers for the crimes (including the heresy) of their lord — a factor of continued importance in scholastic legal thought — had dropped from Gentili’s conceptual horizon.

Gentili, early modern scholastic theologians, and many subsequent authors commenting on just conduct in war continued to employ some form of a correlation between sovereignty, culpability and individual agency as the measure for legitimate punishment of combatants and non-combatants. They routinely distinguished between violence against property and violence against the human body. The degree to which the private individual and especially the non-combatant could be held liable for the transgressions of her or his sovereign was a matter of ongoing debate. Violence against civilians and especially the mass-killing of non-combatants, however, had to be carefully considered and justified — not just by theorists, but, depending on circumstances, by practitioners of military violence, too.

The Political Cost of Massacre: Alba’s fateful Campaign of “Terror”

One example of a situation in which escalating violence against civilian populations spiraled out of political control is the Spanish campaign in Flanders (1567-73) during the first decade of the Eighty Years war (1566-1648), the series of conflicts which eventually led to the formation of the Dutch Republic.⁴⁶ The mass-killing of civilians in the course of the campaign exposed the fluidity of rules of war notionally guiding military conduct, escalated the conflict between the Spanish Habsburg crown and the seventeen rebellious Dutch provinces, and provoked a backlash even among Habsburg loyalists and officials.

The Spanish commander, Fernando Álvarez de Toledo y Pimentel, third Duke of Alba (1507-1582) and his staff favored aggressive tactics that put rapid success and confessional

ire before more traditional notions of military decorum.⁴⁷ Alba refused to afford rebels and heretics the privileges of military protocol and identified those who fought against Philip II of Spain as irregular combatants not protected by laws of war or rules of chivalric behavior. Spanish troops summarily executed Dutch prisoners of war. On at least one occasion, the duke even suspended the customary protection of heralds and put to death Dutch envoys offering exchange of prisoners.⁴⁸ While this conduct was still loosely aligned with contemporary military practice and notions of *ius in bello* — those taking up arms against lawful authority could generally expect less lenient treatment than combatants serving in the regular armies of a sovereign belligerent — it quickly invited Dutch reprisals.

Alba's approach to civilian populations proved even more problematic. The duke distinguished between towns held down by Dutch garrisons and those which had willingly rebelled against Philip II. The latter could not expect the usual terms. For instance, they would not be allowed to sue for terms of surrender at the point just before siege artillery had been brought to bear on their walls. In letters to his monarch, Alba professed his hatred of heresy and rebellion and spoke in the harshest terms of his determination to visit rebel towns with the wholesale destruction of their economy and civilian population.⁴⁹ In fact, the impact of "terror" — punitive sackings and casual acceptance of civilian deaths during or after sieges — was integral to Alba's strategy of securing a quick victory by means of sustained intimidation.

The vicious sacking of Mechelen in 1572 was exemplary in this respect. The town had been abandoned by the troops of the Prince of Orange by the time the Spanish troops arrived. The citizens had opened the gates and sent a delegation to negotiate a surrender. Alba demanded unconditional surrender and the acceptance of a garrison, the latter a sore point even for the most loyal of towns in the Low Countries. When his demands were refused, he allowed his men — in order "to refresh themselves a little",⁵⁰ and also because he needed to find a way to pay them — to plunder the city for several days.⁵¹ Murder, atrocity, torture and rape — widely and vividly reported, sometimes exaggerated in contemporary and subsequent accounts — were the foreseeable consequence. Some years later, in 1581, an anonymous Dutch Calvinist memorial lamented that the Spanish at Mechelen had "spared neither friend nor foe, widow or orphan, young or old, poor or rich".⁵²

Dutch commanders immediately retaliated with similarly transgressive behavior. During the siege of Naarden later that year, Spanish officers were lured out of their trenches by false requests for parley and shot by the Dutch. Stubborn, increasingly vicious Dutch resistance triggered excessively vengeful behavior on the part of the Spanish. After the fall of the town, Alba's soldiers murdered almost all the male citizens. The duke felt it opportune to boast to his monarch that "no man born, soldiers and burghers, had escaped".⁵³

The duke's bragging soon began to sound hollow. His campaign of "terror" had initiated an escalating cycle of reciprocal violation of codes of military conduct without any clear operational benefit. Rather than solicit the surrender of other cities as Mechelen had

done earlier in the year, the subsequent “bloedbads” at the towns of Naarden and Zutphen strengthened the resolve of the Dutch rebels and mobilized European support for their cause.⁵⁴ The towns — not least through determined efforts on the part of rebel propaganda — became iconic places in the Protestant and wider European political imagination. They quickly aligned with reports of real or alleged atrocities in the Americas and fed into an ever more powerful anti-Spanish, pan-confessional, pan-European ‘Black Legend’. Alba’s “terror” inflicted a severe and lasting loss of political capital on the Habsburg monarchy.

This was the case not least because many Dutch Catholics and even Habsburg loyalists and officials shared in the outrage. One visual manifestation of this outrage are the iconic engravings and prints of the “Spanish Fury” bearing down on defenseless civilians regardless of confessional allegiance produced by the Flemish artist Frans Hogenberg (1540-1590), a Catholic born in Mechelen, expelled from Antwerp by Alba in 1568 and subsequently settling in Cologne.⁵⁵ Hogenberg’s graphic depictions of shocking violence against defenseless civilians marked Spanish as transgressive and had the potential to reach across confessional boundaries.

Frans Hogenberg, *The Conquest of Naarden*, c. 1572-1590, Museum Boijmans Van Beuningen, Rotterdam, Netherlands

The anonymous author of the *Discours du Pillage de Malines* [Mechelen], a Habsburg loyalist hostile to the Dutch rebels, reported unspeakable examples of gendered violence — young girls and married women raped, women hung by their breasts, pregnant women stabbed in the stomach — and shocking acts of sacrilege against Catholic churches and reliquaries.⁵⁶ Jean Richardot — eyewitness and career civil servant in the Spanish Habsburg administration — expressed his dismay at Alba’s strategy and his disgust with the human cost it incurred in a report to the Grand Council in Brussels: “One could say a lot more, if the horror of it did not make one’s hair stand on end — not at recounting it, but at remembering it!”⁵⁷ In Madrid, the humanist and political counsellor Fadrique Furió Ceriol — soon to join the entourage of Alba’s successor as governor, Don Luis de Requesens — expressed his despair at the moral and political harm, fiscal and human cost, and overall futility of Alba’s campaign.⁵⁸ Compassion, royal clemency and political compromise, Furió Ceriol insisted, were more likely to return the rebellious provinces to Philip II than the brutality of Spanish arms.

Eventually, the duke paid the price for military failure and political fiasco. In 1573, he was recalled to Madrid. A subsequent official investigation harmed Alba’s reputation and the career of some of his officers and sparked a lively public debate in Spain about the rights and wrongs of the Flanders campaign. In his *Commentarios*,⁵⁹ Bernardino de Mendoza, one of Alba’s veteran cavalry commanders, justified Spanish strategy with reference to ancient Rome. Like the Roman generals, Alba had struggled to civilize northern “barbarians”. “Reason

of war”, not least the need to sow division and hatred among Dutch Catholics and Calvinists, Mendoza suggested, amply justified blatant violation of established military etiquette, including the hanging of envoys and the ruthless pursuit of complete victory at the cost of civilian lives. The intervention of Mendoza and other veterans, however, could not gloss over the resounding failure of Alba’s plan or placate those whose conscience, political reasoning or understanding of the laws of war disagreed with the conduct of Spanish arms.

While diplomatic expediency and concerns about public opinion tempered violence in subsequent years,⁶⁰ the pan-European indignation caused by the Sack of Antwerp on 8 November 1576 proved something of a watershed for the Flanders theatre of war. The brutal plundering of a Catholic city under Habsburg control by mutinous *tercios* claiming their pay — carefully planned by Spanish commanders under one of Alba’s former officers, Sancho D’Avila — was unprecedented. The news of the atrocity travelled fast and far. Outrage and revulsion at the actions of the Spanish military was, again, fueled by detailed illustrations of barbaric acts of violence — real or alleged — that were produced by Frans Hogenberg and other artists.

Frans Hogenberg, *The Sack of Antwerp*, 1576

The violence was the more shocking as the victims were not only defenseless civilians, but members of the Catholic faith. The catastrophic destruction of property and loss of thousands of Catholic civilian lives pushed rebels and loyalists, Catholics and Calvinists, to cast their differences aside. In the Pacification of Ghent signed only four days after the sack, they united to demand the withdrawal of Spanish troops from the Netherlands. Philip II was forced to oblige and to agree to subject the Spanish commanders involved to what amounted to an investigation for war crimes.

Though only a temporary sticking plaster to the political-religious disagreements between the Catholic and Calvinist provinces, the Sack of Antwerp and the Pacification of Ghent effectively erased Habsburg gains made during the previous decade. They also help explain the determined change of political-military conduct introduced by Alessandro Farnese, Duke of Parma, who commanded the Army of Flanders from 1578 to 1592. Farnese made a gradual, if not necessarily coherent, effort to restore a sense of reciprocal respect between the enemies — a sense of reciprocity reflected in Gentili’s conceptualization of rules of war — facilitating prisoner exchanges and increasing the protection of the lives and property of civilians (including heretics).⁶¹

Conclusion

Historical scholarship has suggested that mass killings were common and ingrained in early modern culture of war to the point where denial almost never occurred before the end of the eighteenth and the beginning of the nineteenth centuries.⁶² In the modern era, on the contrary, massacres are often reported as a ‘battle’ or military engagement and perpetrators go to great length to ‘cover up’. The legal and theological literature of the sixteenth and early seventeenth centuries and the contemporary response to Alba’s campaign of “terror” in the Low Countries, however, complicate this picture. There were political and military repercussions and there was public debate about the legitimacy of killing defenseless people, including those presumed guilty of heresy and rebellion.

The damage to Spanish Habsburg reputation is illustrated by visual communications drawing clear parallels between the Bethlehemite Slaughter of the Holy Innocents and events in the Low Countries.⁶³ The etching (1584) by Hendrick Goltzius captured not only the suffering of the Holy Innocents and their mothers, but forcefully emphasized the potential risk born by the perpetrators of such transgressive violence.⁶⁴ Goltzius shows open despair and revulsion on the part of Herod’s own advisors and officials: here is a ruler ignorant or indifferent to irreparable damage he himself inflicted upon his authority.

Hendrick Goltzius, *Massacre of the Innocents*, 1584.

The painting (1610) by Pieter Brueghel the Younger transposed Bethlehem into a familiar European winter landscape. The victims of Spanish violence become contemporary, trans-confessional “everyman” and “everywoman”. The Duke of Alba, accordingly — placed into the near centre of the painting and clearly identified by his silver-sabled beard — is cast as the executor of Philip II’s Herodian transgression.⁶⁵

Pieter Brueghel the Younger (after Pieter Brueghel the Elder), *Massacre of the Innocents*, 1610, Kunsthistorisches Museum, Vienna, Austria

In both visualisations of massacre, the victims of Philip’s orders and Alba’s executions are represented as Holy Innocents: as members of a trans-confessional Christian community of faith, emotion and mutual obligation. Philip II and the Duke of Alba in turn are identified as perpetrators of a kind of violence – the murder of defenseless civilians — that appeals to a shared Christian tradition and potentially transcends and neutralizes confessional hostility.

The Spanish Habsburgs could never wholly wash off the stain of atrocities committed at Mechelen, Naarden, Zutphen, at other places of Dutch resistance, and at Antwerp, even within Catholic Europe. Whether such acts of mass killing came to be considered transgressive by members of the perpetrators’ own community did depend then — and does depend today — on specific, complex combinations of political, cultural and juridical variables. Some we

have tentatively explored in this chapter. A brief survey of modern events — from My Lai to Srebrenica and to the Rwandan genocide — tells us that the global struggle to define those variables and prevent or contain unlawful and excessive violence is ongoing.

¹ On the complexity of Christian attitudes to violence see, for instance, Albert C. Gelion and Riemer Roukema (eds), *Violence in Ancient Christianity. Victims and Perpetrators* (Leiden and Boston: Brill, 2014); Mark Juergensmeyer, Margo Kitts, Michael Jerryson (eds), *The Oxford Handbook for Religion and Violence* (Oxford: Oxford University Press, 2013).

² See Elena Nendza, “‘Zerhaut, zerreißt, zerschmettert! Der Bethlehemitische Kindermord: ein interkonfessionelles Bindeglied in den europäischen Künsten’ (‘Smash, shred, crush!’ The Massacre of the Innocents: An Interconfessional Connector in the European Arts)”, *Daphnis* 45.1-2 (2017), 250-73.

³ For a detailed discussion of painter and painting, see Cecilia Alessi and Alessandro Bagnonli (eds), *Matteo di Giovanni: cronaca di una strage dipinta* (Siena: Ali edizioni, 2006); on the representation of violence in Italian Renaissance art now Scott Nethersole, *Art and Violence in Renaissance Florence* (Yale University Press: Yale, 2018).

⁴ See Barbara H. Rosenwein, “Worrying about Emotions in History”, *American Historical Review* 107.3 (2002), 821-45. For the relationship between violence, emotion and visibility, for instance, Susan Broomhall (ed.), *Early Modern Emotions. An Introduction* (Routledge: London, 2017).

⁵ For a brief overview of a burgeoning multi-disciplinary field, see Daniel R. Brunstetter and Cian O’Driscoll (eds), *Just War Thinkers. From Cicero to the 21st Century* (Abingdon: Routledge, 2018).

⁶ Augustine, “Reply to Faustus the Manichaeon”, in: Phillip Schaff (ed.), *Nicene and Post-Nicene Fathers, Volume 4: The Writings against the Manichaeans and against the Donatists* (Grand Rapids, Mich.: Eerdmans, 1956), 155-345, 301.

⁷ Daniel H. Weiss, “Aquinas’s Opposition to Killing the Innocent and its Distinctiveness within the Christian Just War Tradition”, *Journal of Religious Ethics* 45.3 (2017), 481-509.

⁸ *Ibid.*, 499.

⁹ Aquinas, *Summa Theologiae* II—II, Q. 64, A. 2.

¹⁰ Francisco de Vitoria, *Political Writings*, ed. Anthony Pagden and Jeremy Lawrance (Cambridge: Cambridge University Press, 1991), 331-333, 331.

¹¹ *Ibid.*, 332.

¹² Vitoria’s struggle to accommodate the legitimacy of the Spanish presence in the Americas continues to be the subject of historiographical debate. See, Andrew Fitzmaurice, *Sovereignty, Property and Empire, 1500—2000*, Cambridge: Cambridge University Press, 2014; Anthony Pagden, *The Burdens of Empire. 1539 to the Present*, New York: Cambridge University Press, 2015; and Thomas Duve, “Salamanca in America”, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 132 (2015), 116-151.

¹³ Compare, for instance, the discussions of the right to spread Christianity in *On the American Indians*, Question 2, Article 4 and Question 3, Article 2.

¹⁴ Vitoria, *Political Writings*, 282.

¹⁵ *Ibid.*

¹⁶ Most of Vitoria’s discussion of *ius in bello* is found in the third question (“What may be done in a just war”); Vitoria, *Political Writings*, 314-27.

¹⁷ See Vitoria, *Political Writings*, 319-22.

¹⁸ *Ibid.*, 321.

¹⁹ “When thou comest nigh unto a city to fight against it, then proclaim peace unto it. And if it make thee answer of peace, and open unto thee, then it shall be that all the people that is found therein shall be tributaries unto thee, and they shall serve thee. And if it will make no peace with thee, but will make war against thee, then thou shalt besiege it; and when the Lord thy God hath delivered it into thine hands, thou shalt smite every male thereof with the edge of the sword but spare the women and little ones.” Deuteronomy 20: 10-14 — together with Joshua 6:21: “And they utterly destroyed all that was in the city [of Jericho], both man and woman, young and old, and ox, and sheep, and ass, with the edge of the sword” — represented the main biblical *loci* in favour of indiscriminate violence against civilians, and a challenge for Christian theologians.

²⁰ Vitoria, *Political Writings*, 321.

²¹ *Ibid.*, 320. For the established historical interpretation of events, see J. Curran, “From Jovian to Theodosius”, in: A. Cameron and P. Garnsey, *The Cambridge Ancient History, XIII: The Late Empire, A.D. 337 - 425* (Cambridge: Cambridge University Press, 2007), 78-110, 108.

²² Vitoria, *Political Writings*, *Ibid.*, 314.

²³ *Ibid.*, especially 314-317.

²⁴ *Ibid.*, 316.

²⁵ *Ibid.*, 316-17.

²⁶ On diversity of scholastic approaches to military violence see, for instance, Peter Haggenmacher, "Just War and Regular War in Sixteenth Century Spanish Doctrine", *International Revue of the Red Cross* 290 (1992), 434-45.

²⁷ Francisco Suárez, "Justice, Charity, and War", in: Gregory M. Reichberg, Henrik Syse, and Endre Begby (eds), *The Ethics of War: Classic and Contemporary Readings* (Oxford: Blackwell, 2006), pp. 339-70, 364-65.

²⁸ A recent helpful discussion is Gregory S. Weiner, "Machiavelli's Inflationary Economy of Violence: Notes on the Story of Agathocles", *Interpretation* 42.2 (2016), pp. 217-33.

²⁹ Niccolò Machiavelli *The Prince*, chapter 8.

³⁰ *Id.*, *Discourses on Livy*, II.23.

³¹ Giovanni Botero, *The Reason of State*, ed. and transl. P.J. and D.P. Waley (London: Routledge and Kegan Paul, 1956). For Botero's approach to politics, see Romain Descendre, *L'État du monde: Giovanni Botero entre raison d'État et géopolitique* (Geneva: Droz, 2000); Harald E. Braun, "Knowledge and Counsel in Giovanni Botero's *Ragion di stat*", *Journal of Jesuit Studies*, 4.2 (2017), 270-289.

³² *Ibid.*, 101. The reference to Pinarius is included only in the last edition amended by the author and published in Venice in 1598, which forms the basis of the Waley translation.

³³ Alberico Gentili, *De iure belli libri tres*, transl. John C. Rolfe, Oxford: Clarendon Press, 1933. For the lively debate on Gentili and for further literature, see Claire Vergerio, "Alberico Gentili's *De iure belli*: An Absolutist's Attempt to Reconcile the *jus gentium* and the Reason of State Tradition", *Journal of the History of International Law* 19.4 (2017), 429-66.

³⁴ Gentili, *De iure belli*, especially I.2 and I.6.

³⁵ *Ibid.*, especially II.15 – II.22.

³⁶ *Ibid.*, I.14. He also ruled out that war could be waged on the grounds of religion, *ibid.*, I.9; I.12.

³⁷ *Ibid.*, II.16 and II.17 respectively.

³⁸ *Ibid.*, II.16, 212.

³⁹ *Ibid.*, II. 16.

⁴⁰ *Ibid.*, II.17, 216.

⁴¹ *Ibid.*, II.16, 213 – 15.

⁴² *Ibid.*, 252-53.

⁴³ *Ibid.*, 253-54.

⁴⁴ Gentili refers to Deuteronomy 2, 34; 3, 6; 20, 14.

⁴⁵ *Ibid.*, 255.

⁴⁶ On the Eighty-Years-War, also known as the Dutch Revolt or the Dutch War of Independence, see, for instance, Geoffrey Parker, *The Dutch Revolt* (London: Lane, 1977); Jonathan Israel, *The Dutch Republic: Its Rise, Greatness, and Fall 1477–1806* (Clarendon Press, Oxford, 1995).

⁴⁷ On Spanish military codes of conduct during the second half of the sixteenth and the early seventeenth century, see Fernando González de León, "Soldados Platícos and Caballeros. The Social Dimensions of Ethics in the Early Modern Spanish Army", in: David J.B. Trim (ed.), *Chivalric Ethos and the Development of Military Professionalism*, Leiden: Brill, 2003, 235-68.

⁴⁸ The incident is reported, for instance, in Bernardino de Mendoza's, *Comentario de los Sucedido en las Guerras de los Países Bajos* (first published Madrid, 1592) (Biblioteca de Autores Españoles; 28) (Madrid: Ediciones Atlas, 1853), 429-30.

⁴⁹ Alba's intentions, attitude and understanding of the laws of war are reflected in his letters to Philip II, *Epistolario del III Duque de Alba don Francisco Alvarez de Toledo*, 3 vols., Madrid: s.n., 1952, vol. 3, 331-38 (16 April 1573); 462-64 (16 July 1573); 502-504 (31 August 1573).

⁵⁰ Quoted in Geoffrey Parker, *The Dutch Revolt*, London: Pelican, 1981, 141.

⁵¹ On Alba's defence of his decisions at Mechelen, see Geoffrey Parker, "The Etiquette of Atrocity: The Laws of War in Early Modern Europe", in *Id.*, *Success is Never Final. Empire, War and Faith in Early Modern Europe* (New York: Basic Books, 2002), 143-68, 155, 156-57.

⁵² Anonymous, *Waerachtige beschryvinge van de destructive geschiet binnen de stadt Mechelen gedaan by den Spaingarden in den jaer 1572*, Brussels, Bibliothèque Royale, ms 17219-20, f. 2r – 19v; quoted in Peter Arnade, "The City Defeated and Defended: Civism as Political Identity in the Habsburg-Burgundian Netherlands", in Robert Stein and Judith Pollman (eds), *Networks, Regions and Nations: Shaping Identities in the Low Countries 1300 – 1650* (Leiden: Brill, 2010), 195-216, 211-12.

⁵³ *Epistolario Alba*, 3, 261: “Degollaron burgeses y soldados sin escarpse hombre nacido.”

⁵⁴ On the disastrous political repercussions of the campaign, see Peter Arnade, *Beggars, Iconoclasts and Civic Patriots: The Political Culture of the Dutch Revolt*, Ithaca: Cornell University Press, 2008, especially 212-59; and Monica Stensland, *Habsburg Communication in the Dutch Revolt*, Amsterdam: Amsterdam University Press, 2012, especially 55-70.

⁵⁵ On the complexity of religious politics, political iconography and Catholic identity during the Eighty-Years-War, see the work of Judith Pollmann, for instance, *Catholic Identity and the Revolt of the Netherlands, 1520-1635* (Oxford: Oxford University Press, 2011); and “The cult and memory of war and violence”, in: Helmer J. Helmers and Geert H. Janssen (eds), *The Cambridge Companion of the Dutch Golden Age* (Cambridge: Cambridge University Press, 2018), 88-104.

⁵⁶ Anonymous, *Discours du Pillage de Malines fait le 2e Octobre 1572*, in: Jan Frans Willems (ed.), *Mengelingen van historisch-vaderlandschen inhoud* (Antwerp: Van de Wed & J.S. Schoesetters, 1827-30), 393-422, 404.

⁵⁷ Quoted in Louis-Prosper Gachard, *Rapport à Monsieur le ministre de l'intérieur: sur différentes séries de documents concernant l'histoire de la Belgique, qui sont conservées dans les archives de l'ancienne chambre des comptes de Flandre, à Lille* (Brussels: M. Hayez, 1841), 234.

⁵⁸ Fadrique Furio Ceriol, “Discurso de Furio Ceriol, Sobre la Quiete de Estos Estados” (no date), in: *Colección de Documentos Inéditos para la Historia de España*, Vol. 102 (Madrid: Rafael Marco y Viñas, 1892), 473-76.

⁵⁹ See above, endnote 50.

⁶⁰ One example is Philip II's refusal to sanction the breaking of dikes and opening of sluices because “it would earn us a reputation for cruelty (...) especially against our vassals, even though their guilt is notorious and punishment justified”; quoted in Parker, “Etiquette of Atrocity”, 153.

⁶¹ Farnese's approach and attitude — in many respects strikingly different to Alba's — is discussed by Violet Soen, “Reconquest and Reconciliation in the Dutch Revolt: The Campaign of Governor-General Alexander Farnese (1578-92)”, *Journal of Early Modern History* 16.1 (2012), 1-22.

⁶² See, for instance, Philip G. Dwyer and Lyndall Ryan (eds), *Theatres Of Violence: Massacre, Mass Killing and Atrocity throughout History*, New York and Oxford: Berghahn, 2012, “Introduction”. For a critique of reductionist views of early modern violence, Penny Roberts, “French Historians and Collective Violence”, *History and Theory* 56.4 (2017), 60-75.

⁶³ For the political contextualisation of the two works discussed see David Kunzle, “Spanish Herod, Dutch Innocents: Bruegel's *Massacres of the Innocents* in their Sixteenth Century Contexts”, *Art History* 24.1 (2001), 51-84, especially 74-76.

⁶⁴ The iconographic point of reference for Goltzius was most likely the engraving and prints of Raphael's studies on the theme produced by Marcantonio Raimondi (c. 1510). See Lisa Pon, *Raphael, Dürer and Marcantonio Raimondi. Copying and the Italian Renaissance Print* (Yale: Yale University Press, 2014).

⁶⁵ The visual reference to Alba is well established, see Kunzle, “Spanish Herod”, 62-64.